IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	**Robert Francis SQUIBBS**	)	Examiner: **K. M. PATEL**
		)	
Serial No.:	**10/635,870**	)	Art Unit: 2188
		)	
Filed:	August 5, 2003	)	Our Ref: B-5189 621138-2
		)	300204852-2US
For:	"CACHE MANAGEMENT IN A	)	
	MOBILE DEVICE"	)	Date: February 12, 2008
		)	
		)	Re: *Appeal to the Board of Appeals*

REPLY BRIEF

Commissioner for Patents

Sir:

    This Brief is a timely reply to the Examiner's Answer mailed on December 13, 2007.

    The Examiner and Appellants disagree whether claims 1, 3-5, 8, 11, 13-15 and 18 are patentable under 35 U.S.C. 103(a) over Mathews or Hakala in view of Singh, and whether claims 7 and 17 are patentable under 35 U.S.C. 103(a) over Mathews or Hakala and Singh and further in view of Chen. This Brief replies to the Examiner's answers to Appellant's arguments against these references and the Examiner's interpretation thereof.

REMARKS

    The comments in Appellants' Brief on Appeal dated October 19, 2007 are incorporated herein by reference.

ARGUMENTS

The Singh reference does not disclose the claims elements alleged by the Examiner.

    In his Brief, Appellant noted that the Examiner's interpretation of Singh with respect to the disclosure of degrading the received item upon a predetermined condition concerning the received item and/or the mobile device becoming satisfied is self-contradictory on its face, because in Singh a previously received item is evicted to make room when there is not enough

space to store incoming data, and thus the eviction is clearly done in response to receiving new data, not in response to the old data having reached a predetermined condition.

Presently the Examiner alleges to answer by presenting on overabundance of case citations for the proposition that limitations in the specification should not be read into the claims, then inexplicably announcing that "however <u>the claims do not define a predetermined condition in the way appellant is arguing</u>, as such the claim do not preclude Singh's LRU condition as being predetermined condition, because there are many items in the cache and item becoming LRU is selected for compression as such satisfying the predetermined condition limitation. Also, as argued above, since claims does not explicitly define predetermined condition, the interpretation is done in view of the disclosure…" [emphasis in the original]

Appellant finds this statement perplexing because the claims do in fact very specifically define the predetermined condition, namely that it needs to be a "condition **concerning the received item and/or the mobile device**" Appellant respectfully submits that the Examiner is clearly and simply just missing the point of Appellant's argument, namely that the condition upon which Singh degrades a received item **does *not* concern the received item and/or the mobile device**. Again, the Examiner asserts "Singh's LRU condition as being [the] predetermined condition" while in fact, as explained previously, an item in the cache of Singh becoming LRU (least recently used) does <u>not</u> cause it to be compressed - it will only get compressed when new data is received *and* the buffer becomes too full to hold all items in uncompressed form, which are <u>not</u> conditions concerning the received item or mobile device. As already noted (but clearly unappreciated), by Singh's method an item can become the LRU item in uncompressed cache and will remain so for as long as no new data arrives in the cache <u>and</u> as long as the uncompressed cache does not become full. Clearly, the Examiner's assertion that an item becoming LRU causes it to be compressed does not anticipate the claimed degrading of a received item, and his Answer offers nothing of substance beyond the final rejection.
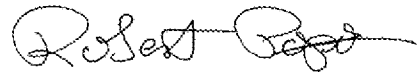
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CONCLUSION

For the many reasons advanced above, Appellant respectfully contends that each pending claim is patentable and reversal of all rejections and allowance of the case is respectfully solicited.

I hereby certify that this document is being transmitted to the
Patent and Trademark Office via electronic filing.

Respectfully submitted,

February 12, 2008
_____
(Date of Transmission)

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